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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/882,368 | 06/15/2001 | Amir Aliabadi | INFS117535 | 6711 |

26389 7590 05/12/2004

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EXAMINER

GART, MATTHEW S

ART UNIT PAPER NUMBER

3625

DATE MAILED: 05/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/882,368

Applicant(s)

ALIABADI ET AL.

Examiner

Matthew s Gart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Referring to claims 1-15. The invention as recited in the claims is merely an abstract idea that is not within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter.

Mere recitation in the preamble (i.e., intended use) or mere implication of employing a machine or article of manufacture to perform some or all of the recited steps does not confer statutory subject matter to an otherwise abstract idea. "A method for collecting product data to provide uniform searching, viewing and purchasing of

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products over a network." mere nominal use of a component, albeit within the technological arts, does not confer statutory subject matter to an otherwise abstract idea if the component does not affect or affect the underlying process.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by

Miller U.S. Patent Application Publication US 2002/0002496.

Referring to claim 1. Miller discloses a method for collecting product data to provide uniform searching, viewing and purchasing of products over a network, comprising:

- Retrieving new product data from a plurality of providers (paragraph 0136);
- Determining that a first portion of said new product data may be entered with stored product data (Figure 2 and paragraph 0140, "The information found during the search is placed on a website in operation **606.**");
- Integrating said first portion with said stored product data (Figure 2 and paragraph 0136 through paragraph 0140);

- Determining that a second portion of said new product data may not be entered with said stored product data (paragraph 0142, "As an option, the product information can include links to content items relating to the products."); and
- Adding said second portion to a buffer (paragraph 0150, "...at least a portion of the list is output to a user or to a data store for later retrieval and/or viewing.").

Referring to claim 2. Miller further discloses a method wherein said providers comprise merchants (abstract).

Referring to claim 3. Miller further discloses a method wherein determining that said first portion may be entered with said stored product data comprises matching product producer names and product producer product identifiers from said first portion to product producer names and product producer product identifiers from said stored product data (paragraph 0158).

Referring to claim 4. Miller further discloses a method wherein determining that said first portion may be entered with said stored product data comprises matching product SKUs from said first portion to product SKUs in said stored product data (Figure 3a, Figure 3b, and Figure 15).

Referring to claim 5. Miller further discloses a method wherein said providers comprise canonical suppliers (paragraph 0158).

The Examiner notes, the type of supplier does not contribute structurally to the claimed device since the type of supplier is not related to how the method is being performed. The type of supplier can be categorized as non-functional descriptive language and is given little patentable weight.

Referring to claim 6. Miller further discloses a method wherein said providers comprise merchants and canonical suppliers (paragraph 0158).

The Examiner notes, the type of supplier does not contribute structurally to the claimed device since the type of supplier is not related to how the method is being performed. The type of supplier can be categorized as non-functional descriptive language and is given little patentable weight.

Referring to claim 7. Miller further discloses a method comprising indexing said stored product data and forwarding said indexed stored product data to at least one searchable database (paragraph 0158 to paragraph 0162).

Referring to claim 8. Miller further discloses a method wherein said at least one searchable database has at least one mirrored database (paragraph 0158 to paragraph 0162).

Referring to claim 9. Miller further discloses a method wherein said indexed stored product data comprises index meta-data and indexed data (paragraph 0158 to paragraph 0162).

Referring to claim 10. Miller further discloses a method of wherein said at least one searchable database is load balanced with at least one mirrored database (paragraph 0158 to paragraph 0162).

Referring to claim 11. Miller further discloses a method comprising updating at least one priced products database with said stored product data (paragraph 0150).

Referring to claim 12. Miller further discloses a method comprising examining said buffer and determining that at least one entry in said buffer contains product data that may be entered with said stored product data (paragraph 0150).

Referring to claim 13. Miller further discloses a method comprising categorizing said at least one entry (paragraph 0158 to paragraph 0162).

Referring to claim 14. Miller further discloses a computer readable medium containing at least one component for performing the method of any of claims 1-13 (Figure 1).

Referring to claim 15. Miller further discloses a computer implemented system comprising at least operative to perform the method of any of claims 1-13 (Figure 1).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

DiAngelo, U.S. Patent Number 6,101,482, August 8, 2000, discloses a universal web shopping cart and method of on-line transaction processing.

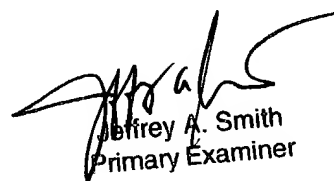
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew s Gart whose telephone number is 703-305-5355. The examiner can normally be reached on 8:30AM to 5:00PM m-f.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MSG
May 6, 2004



Jeffrey A. Smith
Primary Examiner

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